OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 929 (Cy. 154)

YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Henebion Cofrestredig (Cytundebau Partneriaethau) (Cymru) 2024

2024 No. 929 (W. 154)

HISTORIC ENVIRONMENT, WALES

The Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddir i Weinidogion Cymru gan Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 ("Deddf 2023"). Mae Deddf 2023 yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru. Mae'r Rheoliadau hyn hefyd yn ffurfio rhan o'r Cod hwnnw.

Mae'r Rheoliadau yn gwneud darpariaeth ynghylch cytundebau partneriaethau sy'n ymwneud â henebion cofrestredig yng Nghymru.

Mae Deddf 2023 yn gwarchod henebion o ddiddordeb hanesyddol arbennig. Gall heneb fod yn adeilad, strwythur, gwaith, ogof neu gloddiad, neu safle. Mae Deddf 2023 yn darparu bod rhaid i Weinidogion Cymru gynnal cofnod (y cyfeirir ato fel "cofrestr") o henebion yng Nghymru sydd o bwysigrwydd cenedlaethol. Ni chaniateir i fathau penodol o waith gael eu cyflawni i "heneb gofrestredig" oni bai bod y gwaith wedi ei awdurdodi gan Weinidogion Cymru. Yr enw ar yr awdurdodiad hwn yw "cydsyniad heneb gofrestredig" ac fe'i rhoddir o dan Ran 2 o Ddeddf 2023.

Mae'r fframwaith ar gyfer cytundeb partneriaeth wedi ei nodi yn adrannau 25 i 29 o Ddeddf 2023. Mae cytundeb partneriaeth yn gytundeb rhwng Gweinidogion Cymru a pherchennog heneb gofrestredig yng Nghymru neu berchennog tir sy'n cydffinio â heneb gofrestredig o'r fath, neu sydd yng nghyffiniau heneb gofrestredig o'r fath (y cyfeirir ato fel "tir cysylltiedig"). Gall fod partïon ychwanegol

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 ("the 2023 Act"). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The Regulations make provision about partnership agreements relating to scheduled monuments in Wales.

The 2023 Act protects monuments of special historic interest. A monument may comprise a building, structure, work, cave or excavation, or site. The 2023 Act provides that the Welsh Ministers must maintain a record (referred to as a "schedule") of monuments in Wales that are of national importance. Particular types of works may only be carried out to a "scheduled monument" if they are authorised by the Welsh Ministers. This authorisation is called "scheduled monument consent" and is granted under Part 2 of the 2023 Act.

The framework for a partnership agreement is set out in sections 25 to 29 of the 2023 Act. A partnership agreement is an agreement between the Welsh Ministers and the owner of a scheduled monument in Wales or the owner of land adjoining, or in the vicinity of, such a scheduled monument (referred to as "associated land"). There may also be additional parties to a partnership agreement, including any other

hefyd i gytundeb partneriaeth, gan gynnwys unrhyw berson arall a chanddo fuddiant yn yr heneb neu'r tir cysylltiedig. Caiff cytundeb partneriaeth ymwneud â mwy nag un heneb gofrestredig.

Caiff cytundeb partneriaeth roi cydsyniad heneb gofrestredig ar gyfer rhaglen waith a bennir yn y cytundeb. Dim ond at ddiben symud ymaith neu atgyweirio heneb gofrestredig y mae'r cytundeb yn gymwys iddi, neu i unrhyw ran ohoni, neu at ddiben gwneud unrhyw addasiadau i heneb o'r fath, neu unrhyw ychwanegiadau ati, y caniateir cyflawni'r gwaith. Caiff y cydsyniad hwnnw fod yn ddarostyngedig i amodau.

Mae adran 26(5) o Ddeddf 2023 yn ei gwneud yn ofynnol i Weinidogion Cymru wneud Rheoliadau i wneud darpariaeth bellach ynghylch y gweithdrefnau ymgynghori a chyhoeddusrwydd ar gyfer cytuno ar gytundebau a'u hamrywio.

Mae rheoliad 3 yn nodi'r gofynion ymgynghori a chyhoeddusrwydd y mae rhaid i Weinidogion Cymru gydymffurfio â hwy cyn iddynt ymrwymo i gytundeb partneriaeth neu cyn i gytundeb presennol gael ei amrywio i gynnwys un neu ragor o henebion cofrestredig ychwanegol neu i estyn ei hyd. Maent yn cynnwys ymgynghori â pherchennog a meddiannydd y tir, ac â'r awdurdodau lleol perthnasol, a rhoi cyhoeddusrwydd i gytundebau partneriaethau drafft neu amrywiadau drafft i gytundebau drwy ddulliau electronig am nifer penodedig o ddiwrnodau.

Mae rheoliad 4 yn darparu bod rhaid i Weinidogion Cymru gyhoeddi rhestr, drwy ddulliau electronig, o gytundebau partneriaethau sydd mewn effaith a bod rhaid iddynt ddiweddaru'r rhestr cyn gynted ag y bo'n ymarferol ar ôl ymrwymo i gytundeb partneriaeth newydd neu os caiff amrywiadau eu gwneud.

Mae Rheoliad 5 yn dirymu Rheoliadau Henebion Cofrestredig (Cytundebau Partneriaeth Dreftadaeth) (Cymru) 2021.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

person with an interest in the monument or associated land. A partnership agreement may relate to more than one scheduled monument.

A partnership agreement may grant scheduled monument consent for a programme of works specified in the agreement. The works may only be for the purpose of removing or repairing a scheduled monument to which the agreement applies, or any part of it, or for the purpose of making any alterations or additions to such a monument. That consent may be subject to conditions.

Section 26(5) of the 2023 Act requires the Welsh Ministers to make Regulations to make further provision about the consultation and publicity procedures for agreeing and varying agreements.

Regulation 3 sets out the consultation and publicity requirements with which the Welsh Ministers must comply before they enter into a partnership agreement or an existing agreement is varied to include one or more additional scheduled monuments or to extend its duration. They include consulting with the owner and occupier of the land, and with relevant local authorities, and publicising draft partnership agreements or draft variations to agreements by electronic means for a specified number of days.

Regulation 4 provides that the Welsh Ministers must publish a list, by electronic means, of partnership agreements that are in effect and must update the list as soon as practicable after entering into a new partnership agreement or if variations are made.

Regulation 5 revokes the Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2024 Rhif 929 (Cy. 154)

YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Henebion Cofrestredig (Cytundebau Partneriaethau) (Cymru) 2024

Gwnaed	*9 Medi 2024*
Gosodwyd gerbron Senedd Cymru	*11 Medi 2024*
Yn dod i rym	*4 Tachwedd 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 26(5) a (6), 209(2) a 211(3)(a) a (4) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi, dod i rym a chod

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Henebion Cofrestredig (Cytundebau Partneriaethau) (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 4 Tachwedd 2024.

(3) Mae'r Rheoliadau hyn yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru(**2**).

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "amrywiad drafft" ("*draft variation*") yw amrywiad drafft i gytundeb partneriaeth;

(**1**) 2023 dsc 3.
(**2**) Gweler paragraffau 8 i 10 o'r Nodiadau Esboniadol i Ddeddf 2023, sydd i'w gweld yn https://www.legislation.gov.uk/asc/2023/3/notes/division/3/welsh.

2024 No. 929 (W. 154)

HISTORIC ENVIRONMENT, WALES

The Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024

Made	*9 September 2024*
Laid before Senedd Cymru	*11 September 2024*
Coming into force	*4 November 2024*

The Welsh Ministers, in exercise of the powers conferred on them by sections 26(5) and (6), 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023(**1**), make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

(3) These Regulations form part of a code of law relating to the historic environment of Wales(**2**).

Interpretation

2. In these Regulations—

"the 2023 Act" ("*Deddf 2023*") means the Historic Environment (Wales) Act 2023;

(**1**) 2023 asc 3.
(**2**) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at https://www.legislation.gov.uk/asc/2023/3/notes/division/3.

ystyr "awdurdod lleol" ("*local authority*") yw—

(a) mewn perthynas â henebion cofrestredig a thir cysylltiedig yng Nghymru—

(i) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru, a

(ii) awdurdod Parc Cenedlaethol yng Nghymru;

(b) mewn perthynas â thir cysylltiedig yn Lloegr, cyngor sir neu gyngor dosbarth yn Lloegr;

ystyr "cytundeb drafft" ("*draft agreement*") yw cytundeb partneriaeth drafft;

ystyr "cytundeb partneriaeth" ("*partnership agreement*") yw cytundeb y mae Gweinidogion Cymru yn ymrwymo iddo o dan adran 25(1) o Ddeddf 2023;

ystyr "Deddf 2023" ("*the 2023 Act*") yw Deddf yr Amgylchedd Hanesyddol (Cymru) 2023;

ystyr "heneb gofrestredig" ("*scheduled monument*") yw heneb sydd wedi ei chynnwys yn y gofrestr o henebion a gynhelir gan Weinidogion Cymru o dan adran 3 o Ddeddf 2023;

ystyr "perchennog" ("*owner*") yw—

(a) perchennog ar yr ystâd rydd-ddaliadol, neu

(b) tenant o dan les a roddir neu a estynir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill;

mae i "tir cysylltiedig" ("*associated land*") yr ystyr a roddir gan adran 25(1)(b) o Ddeddf 2023.

"associated land" ("*tir cysylltiedig*") has the meaning given by section 25(1)(b) of the 2023 Act;

"draft agreement" ("*cytundeb drafft*") means draft partnership agreement;

"draft variation" ("*amrywiad drafft*") means draft variation to a partnership agreement;

"local authority" ("*awdurdod lleol*") means—

(a) in relation to scheduled monuments and associated land in Wales—

(i) a county council or a county borough council in Wales, and

(ii) a National Park authority in Wales;

(b) in relation to associated land in England, the council of a county or district in England;

"owner" ("*perchennog*") means—

(a) an owner of the freehold estate, or

(b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run;

"partnership agreement" ("*cytundeb partneriaeth"*) means an agreement entered into by the Welsh Ministers under section 25(1) of the 2023 Act;

"scheduled monument" ("*heneb gofrestredig*") means a monument included in the schedule of monuments maintained by the Welsh Ministers under section 3 of the 2023 Act.

Gofynion ymgynghori a chyhoeddusrwydd: cytundeb drafft neu amrywiad drafft

3.—(1) Ni chaiff Gweinidogion Cymru ymrwymo i gytundeb partneriaeth oni bai eu bod wedi cydymffurfio â pharagraffau (4) i (6).

(2) Mae paragraff (3) yn gymwys i amrywiad arfaethedig ar gytundeb partneriaeth presennol er mwyn—

(a) darparu bod y cytundeb yn ymwneud â heneb gofrestredig ychwanegol, neu

(b) estyn hyd y cytundeb.

(3) Ni chaniateir gwneud yr amrywiad oni bai—

(a) yn achos amrywiad a gynigir gan barti ac eithrio Gweinidogion Cymru, fod y parti hwnnw wedi anfon copi o'r amrywiad drafft at Weinidogion Cymru, a

(b) mewn unrhyw achos, fod Gweinidogion Cymru wedi cydymffurfio â pharagraffau (4) i (6).

Consultation and publicity requirements: draft agreement or draft variation

3.—(1) The Welsh Ministers may not enter into a partnership agreement unless they have complied with paragraphs (4) to (6).

(2) Paragraph (3) applies to a proposed variation of an existing partnership agreement so as to—

(a) provide that the agreement relates to an additional scheduled monument, or

(b) extend the duration of the agreement.

(3) The variation may not be made unless—

(a) in the case of a variation proposed by a party other than the Welsh Ministers, that party has sent a copy of the draft variation to the Welsh Ministers, and

(b) in any case, the Welsh Ministers have complied with paragraphs (4) to (6).

(4) Rhaid i Weinidogion Cymru—

(a) anfon copi o'r cytundeb drafft neu'r amrywiad drafft (yn ôl y digwydd) at y canlynol—

(i) perchennog yr heneb gofrestredig neu'r tir cysylltiedig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud â hi neu ag ef;

(ii) unrhyw feddiannydd ar yr heneb gofrestredig neu'r tir cysylltiedig;

(iii) unrhyw awdurdod lleol y mae'r heneb gofrestredig neu'r tir cysylltiedig yn ei ardal;

(iv) unrhyw awdurdod lleol sy'n warcheidwad ar yr heneb gofrestredig neu'r tir cysylltiedig (yn rhinwedd adran 45 neu 49 o Ddeddf 2023), a

(b) gwahodd sylwadau gan y personau hynny cyn diwedd cyfnod a bennir yn y gwahoddiad.

(5) Rhaid i Weinidogion Cymru hefyd—

(a) cyhoeddi'r wybodaeth a ganlyn drwy ddulliau electronig am o leiaf 21 o ddiwrnodau—

(i) cyfeiriad neu leoliad yr heneb gofrestredig neu'r tir cysylltiedig y mae'r cytundeb drafft neu'r amrywiad drafft yn ymwneud â hi neu ag ef;

(ii) crynodeb o'r cytundeb drafft neu'r amrywiad drafft;

(iii) manylion ynghylch sut y caniateir cyflwyno sylwadau i Weinidogion Cymru am y cytundeb drafft neu'r amrywiad drafft;

(iv) y cyfnod y mae rhaid i unrhyw sylwadau ddod i law ynddo,

(b) anfon yr wybodaeth a ddisgrifir yn is-baragraff (a) at unrhyw berson y mae Gweinidogion Cymru yn ystyried bod ganddo fuddiant yn y cytundeb drafft neu'r amrywiad drafft, ac eithrio person yr anfonwyd y cytundeb drafft neu'r amrywiad drafft ato o dan baragraff (4), ac

(c) os gofynnir iddynt wneud hynny cyn diwedd y cyfnod ar gyfer cyflwyno sylwadau o dan y paragraff hwn, anfon copi o'r cytundeb drafft neu'r amrywiad drafft at y person a wnaeth y cais.

(4) The Welsh Ministers must—

(a) send a copy of the draft agreement or draft variation (as the case may be) to—

(i) the owner of the scheduled monument or associated land to which the draft agreement or draft variation relates;

(ii) any occupier of the scheduled monument or associated land;

(iii) any local authority in whose area the scheduled monument or associated land is situated;

(iv) any local authority which is a guardian of the scheduled monument or associated land (by virtue of section 45 or 49 of the 2023 Act), and

(b) invite representations from those persons before the end of a period specified in the invitation.

(5) The Welsh Ministers must also—

(a) publish the following information by electronic means for at least 21 days—

(i) the address or location of the scheduled monument or associated land to which the draft agreement or draft variation relates;

(ii) a summary of the draft agreement or draft variation;

(iii) details of how representations may be made to the Welsh Ministers about the draft agreement or draft variation;

(iv) the period within which any representations must be received,

(b) send the information described in sub-paragraph (a) to any person the Welsh Ministers consider to have an interest in the draft agreement or draft variation, other than a person to whom the draft agreement or draft variation has been sent under paragraph (4), and

(c) if requested to do so before the end of the period for making representations under this paragraph, send to the person who made the request a copy of the draft agreement or draft variation.

(6) Rhaid i Weinidogion Cymru sicrhau bod y cyfnodau ar gyfer cyflwyno sylwadau o dan y rheoliad hwn yn gyfnodau o 21 o ddiwrnodau o leiaf gan ddechrau—

(a) yn achos paragraff (4), â'r diwrnod y caiff copi o'r cytundeb drafft neu'r amrywiad drafft (yn ôl y digwydd) ei anfon gyntaf o dan y paragraff hwnnw, a

(b) yn achos paragraff (5), â'r diwrnod y caiff yr wybodaeth a grybwyllir yn is-baragraff (a) o'r paragraff hwnnw ei chyhoeddi'n electronig am y tro cyntaf.

(7) Nid oes dim yn y rheoliad hwn nac yn rheoliad 4 sy'n ei gwneud yn ofynnol i Weinidogion Cymru gyhoeddi gwybodaeth nac anfon at unrhyw berson wybodaeth—

(a) sy'n gyfrinach fasnach,

(b) os yw ei datgelu yn debygol o niweidio buddiant masnachol unrhyw berson fel arall,

(c) y byddai ei datgelu'n gyfystyr â thor cyfrinachedd y gallai unrhyw berson ddwyn achos llys yn ei gylch, neu

(d) y gwaherddir ei datgelu gan unrhyw ddeddfiad, neu o dan unrhyw ddeddfiad, neu gan orchymyn llys.

Gofyniad cyhoeddusrwydd: dyletswydd i gyhoeddi rhestr

4. Rhaid i Weinidogion Cymru—

(a) cyhoeddi rhestr, drwy ddulliau electronig, o'r holl gytundebau partneriaethau sydd mewn effaith, a

(b) cyn gynted ag y bo'n ymarferol ar ôl ymrwymo i gytundeb partneriaeth, neu ar ôl i gytundeb presennol gael ei amrywio, ychwanegu'r cytundeb neu'r amrywiad at y rhestr.

Dirymu

5. Mae Rheoliadau Henebion Cofrestredig (Cytundebau Partneriaeth Dreftadaeth) (Cymru) 2021(**1**) wedi eu dirymu.

(**1**) O.S. 2021/1176 (Cy. 289).

(6) The Welsh Ministers must ensure that the periods for making representations under this regulation are periods of at least 21 days beginning with—

(a) in the case of paragraph (4), the day on which a copy of the draft agreement or draft variation (as the case may be) is first sent under that paragraph, and

(b) in the case of paragraph (5), the day on which the information mentioned in sub-paragraph (a) of that paragraph is first published electronically.

(7) Nothing in this regulation or regulation 4 requires the Welsh Ministers to publish or to send to any person information—

(a) which is a trade secret,

(b) if disclosure is otherwise likely to prejudice the commercial interest of any person,

(c) the disclosure of which would constitute a breach of confidence actionable by any person, or

(d) the disclosure of which is prohibited by or under any enactment or by an order of a court.

Publicity requirement: duty to publish list

4. The Welsh Ministers must—

(a) publish a list, by electronic means, of all partnership agreements that are in effect, and

(b) as soon as practicable after a partnership agreement is entered into, or an existing agreement is varied, add the agreement or variation to the list.

Revocation

5. The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021(**1**) are revoked.

(**1**) S.I. 2021/1176 (W. 289).

Jane Hutt

Ysgrifennydd y Cabinet dros Ddiwylliant, Cyfiawnder Cymdeithasol, Trefnydd a'r Prif Chwip, un o Weinidogion Cymru
9 Medi 2024

Cabinet Secretary for Culture, Social Justice, Trefnydd and Chief Whip, one of the Welsh Ministers

9 September 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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